

REMARKS

Reconsideration of the above-identified patent application is respectfully requested.

The Office Action provides that further consideration of the application has been given and that applicants must make further elections under 35 U. S. C. §121 to elect a single disclosed species for prosecution on the merits to which the claims will be restricted if no generic claim is finally held to be allowable. In the prior response the applicants elected with traverse the species of Figure 6.

In the examination of a national application the Manual of Patent Examining Procedure (MPEP) provides:

[c]laims to be restricted to different species must be mutually exclusive. The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first.

MPEP § 806.04(f). Further, the MPEP instructs that “[i]n a national application containing claims directed to more than a reasonable number of species, the examiner should not require restriction to a reasonable number of species unless he or she is satisfied that he or she would be prepared to allow claims to each of the species over the parent case.” MPEP § 806.04(h)

The Examiner in making the species election in the present application writes: the apparatus has bearings, however they are not illustrated in Figure 7, and the description is silent with regard to the type of bearings employed. Note that technically speaking, a bearing can be a distinct part in an assembly (such as ball bearing), but it can also be incorporated in a non-distinct manner into the design of the rotor (such as a hydrodynamic bearing), and conventionally such designs are called “bearing-less”. Also note that radial bearings and

electromagnetic bearings represent distinct technologies based on distinct physical principles.

Office Action dated March 8, 2005, p. 2, lines 8-15.

The election requirement than provides the following three groups: a1) claims 1-11 "bearing -less species; a2) claims 26-29 active electromagnetic radial bearing species; and a3) claims 31-33 radial bearing. It appears from reading the above recited quote form the Office action that the Examiner is recognizing four distinct types of bearings: rolling element (such as ball bearing; hydrodynamic bearing; radial bearings; and electromagnetic bearings. However, in the proposed species groupings it unclear whether the "bearing-less" species includes the rolling element bearings, or whether this is a fourth species that was omitted from the list of species. The Examiner is respectfully requested to include both rolling element bearings and hydrodynamic bearings in species a1.

Applicants elect with traverse the species of a1. As requested above the Examiner is respectfully requested to include both hydrodynamic bearings and rolling element bearings in the species a1. Claims 1-11 are believed readable on the species a1.

The Office action requests election between the following species: b1) a method without using a turbine; and b2) a method using a turbine. If the species b2 is selected the Examiner is requesting further election of species between: b21) wherein the fuel is combusted; and b22) wherein the fuel is detonated. The Applicants respectfully request reconsideration by the Examiner regarding the requirement to make the sub-species elections between b21 and b22. The Applicants elect with traverse the species b2) and

the sub-species b22. Claims 20-25 and 30 are readable on the elected species b2 and claim 30 is readable on the elected sub-species b22.

Respectfully submitted,



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